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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CASE NO. 2:95-CR-0235 EJG
)	
Plaintiff,)	STIPULATION AND ORDER TO RESET
)	BRIEFING SCHEDULE AND HEARING
v.)	
)	
PABLO CASTRO MARRON,)	
)	
Defendant.)	
)	
)	

The United States of America, through its counsels of record, Benjamin B. Wagner, United States Attorney for the Eastern District of California, and William S. Wong, Assistant United States Attorney, and defendant PABLO CASTRO MARRON, through his counsel, Clemente Jimenez, Esq., stipulate and agree to the following revised briefing schedule and hearing regarding the defendant's motion to dismiss indictment currently set for February 10, 2012, at 10:00 a.m.:

1. Government's response shall be filed no later than February 10, 2012;
2. Defendant's reply, if any, shall be filed no later than February 17, 2012; and

3. A non-evidentiary hearing on the motion to be set for February 24, 2012, at 10:00 a.m.

Counsel for the government became ill around the first of January and had a nagging cough for approximately 3 ½ weeks causing counsel to miss work on sick leave for an extended period of time.

Time is needed for the government to conduct further legal research and write its opposition to the defendant's motion to suppress evidence. Defense counsel then needs additional time to respond to the government's opposition. Additionally, the parties are attempting to resolve sentencing guideline issues and are working towards resolution of the case. Accordingly, the parties stipulate to the revised law and motion schedule and request that time be excluded pursuant to Local Code E and T-4.

Respectfully submitted,

DATED: January 27, 2012

BENJAMIN B. WAGNER
United States Attorney

By: /s/ William S. Wong
WILLIAM S. WONG
Assistant U.S. Attorney

DATED: January 27, 2012

By: /s/ Clemente Jimenez
CLEMENTE JIMENEZ
Attorney for Defendant

For the reasons set forth above, the revised law and motion schedule is adopted. Since the defendant has filed his motion to dismiss the indictment, time will continue to be excluded because of the pending motion pursuant to Local Code E and 18 U.S.C. § 3161(h) (1) (D), and Local Code T-4 from the filing of the motion to

1 February 24, 2012. The court finds that the ends of justice served
2 by the granting of such continuance outweigh the best interests of
3 the public and the defendant in a speedy trial.

4 DATED: January 27, 2012

5 /s/ Edward J. Garcia
6 HONORABLE EDWARD J. GARCIA
7 UNITED STATES DISTRICT COURT JUDGE
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